

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 12, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT WAYNE HUTTON,

Defendant.

No. 2:22-CR-0158-MKD-1

ORDER GRANTING CONSTRUED
STIPULATED MOTION FOR
PROTECTIVE ORDER REGARDING
IDENTIFICATION OF MINOR
VICTIMS PURSUANT TO 18 U.S.C.
§ 3509; AND PROTECTIVE ORDER

ECF No. 21

Before the Court is the Parties' Stipulation For Protective Order Regarding Identification of Minor Victims Pursuant to 18 U.S.C. § 3509, ECF No. 21, which the Court construes as a stipulated motion for a protective order. The Court has reviewed the stipulated motion and the record and is fully informed. The Court finds good cause under Fed. R. Crim. P. 16(d)(1) for a protection order to issue in this matter to protect the identification of any minor victims.

ORDER GRANTING CONSTRUED STIPULATED MOTION FOR
PROTECTIVE ORDER; AND PROTECTIVE ORDER – 1

IT IS ORDERED:

1. The Parties' Stipulated Motion for Protective Order, **ECF No. 21**, is
GRANTED.

PROTECTIVE ORDER

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2 1. The privacy protection measures mandated by 18 U.S.C. § 3509(d), which
3 apply when a case involves a person under the age of eighteen years who is alleged
4 to be a victim of a crime of sexual exploitation, or a witness to a crime committed
5 against another person, apply to this case.

6 2. All persons acting in this case in a capacity described in 18 U.S.C.
7 § 3509(d)(1)(B), shall:

8 a. Keep all documents that disclose the names, identities, or any other
9 information concerning minors in a secure place to which no person who
10 does not have reason to know their contents has access;

11 b. Disclose such documents or the information in them that concerns
12 minors only to persons who, by reason of their participation in the
13 proceeding, have reason to know such information;

14 c. Not permit Defendant himself to review discovery outside the
15 presence of defense counsel or a defense investigator;

16 d. Not permit Defendant to keep discovery in his own possession outside
17 the presence of defense counsel or a defense investigator; and

18 e. Not permit Defendant to keep, copy, or record the identities of any
19 minor or victim identified in discovery in this case.

20 3. All papers to be filed with the Court that disclose the names or any other

1 information identifying or concerning minors shall be filed under seal without
2 necessity of obtaining a Court order, and that the person who makes the filing shall
3 submit to the Clerk of the Court:

4 a. The complete paper to be kept under seal; and

5 b. The paper with the portions of it that disclose the names or other
6 information identifying or concerning children redacted, to be placed in the
7 public record.

8 4. The parties and the witnesses shall not disclose minors' identities during any
9 proceedings connected with this case. The parties and witnesses will refer to
10 alleged minor victims only by using agreed-upon initials or pseudonyms (e.g.,
11 "Minor Victim 1"), rather than their bona fide names, in motions practice, opening
12 statements, during the presentation of evidence, in closing arguments, and during
13 sentencing.

14 5. The United States may produce discovery to the defense that discloses the
15 identity and images of alleged minor victims in this case, in order to comply with
16 the government's discovery obligations. Defendant, the defense team, Defendant's
17 attorneys and investigators, and all of their externs, employees, and/or staff
18 members, shall keep this information confidential as set forth above.

19 6. This Order shall apply to any attorneys who subsequently become counsel of
20 record, without the need to renew or alter the Order.

1 7. This Order shall apply to the personal identifying information and images of
2 any minors who are identified over the course of the case, whether or not such
3 minors are known to the government and/or Defendant at the time this Order is
4 issued.

5 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
6 provide copies to all counsel, the U.S. Probation Office, and the U.S. Marshals
7 Service.

8 **DATED** December 12, 2022.

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10 s/Mary K. Dimke
 MARY K. DIMKE
 UNITED STATES DISTRICT JUDGE
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